

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TAI SPEAKS

v.

UNITED STATES OF AMERICA

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: CIVIL NO. CCB-12-3196
: Criminal No. CCB-10-0336
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MEMORANDUM

Tai Speaks, a federal prison inmate, was sentenced to 60 months' incarceration by Judge Benson E. Legg following her guilty plea to conspiracy to distribute and possess with the intent to distribute 5 grams or more of cocaine base and 500 grams or more of cocaine hydrochloride. The 60 months' sentence was the statutory mandatory minimum and also the disposition agreed to by the parties under Fed. R. Crim. P. 11(c)(1)(C). Ms. Speaks later filed a § 2255 motion alleging ineffective assistance of counsel. The motion will be denied for the reasons explained below.

First, the elements of the conspiracy charge were explained to Ms. Speaks in her plea agreement letter, which she signed, and on the record by Judge Legg in the Rule 11 proceeding. Second, her counsel did file a motion for severance (by adopting a co-defendant's motion), and Judge Legg denied the motion. Third, Ms. Speaks was not entitled to application of the safety valve, not only because of the gun she possessed but also because she did not satisfy the requirement of providing full and truthful information to the government. Fourth, based on the statement of facts she agreed to, she was not eligible for a minor role adjustment.

Accordingly, she cannot show either that her court-appointed counsel was deficient in her performance, or that any prejudice resulted from counsel's alleged deficiency. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984). The record reflects that Ms. Speaks freely and

voluntarily admitted her guilt and in exchange received the sentence she bargained for. Nor has any prosecutorial misconduct been shown.

Further, Ms. Speaks does not meet the criteria for a certificate of appealability under 28 U.S.C. § 2252(c).

A separate Order follows.

January 30, 2013

Date

/s/

Catherine C. Blake

United States District Judge